

Serial No.: 10/564,451
Group Art Unit No.: 1626

REMARKS

With entry of this amendment, claims 1, 2, 4, and 9-15 are pending. Claim 3 is cancelled, claims 5-8 are withdrawn, and claims 9-15 are new. Support for new claims 9-15 can be found in the specification at page 7, lines 24-28. No new matter is added.

In the Office Action mailed November 8, 2007, the Examiner issued several rejections. Please find below Applicants' response to each rejection in the Office Action.

Information Disclosure Statement

The Examiner states that the IDS submitted on January 12, 2006 is not in compliance with 37 C.F.R. 1.97, and therefore has not been considered. Applicants' attorney has reviewed the IDS and cannot identify the deficiency. In any event, it appears from the attachments to the Office Action mailed on November 8, 2007 that the reference cited on the IDS in question has been considered by the Examiner. Clarification is requested.

Restriction Requirement

The Examiner has maintained the restriction requirement issued in the Office Action mailed June 20, 2007. Applicants wish to thank the Examiner for expanding the scope of Group I to include compounds wherein R₃ includes heterocyclic groups. Applicants have amended claims 1, 2, and 4, the only independent claims pending, to remove the non-elected subject matter. No new matter is added.

Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1-4 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that the specification "does not provide enablement for a method of treating or inhibiting any disorder associated with the activation of large conductance calcium activated potassium channels."

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Applicants, while not agreeing with the Examiner's assertion, have amended the claims to overcome the rejection. Reconsideration is requested. Claim 1 has been amended to list the specific disorders to be treated or inhibited. Support for the amendment can be found in the specification at page 7, lines 24-28. No new matter is added. Claims 2 and 4 have been made independent. Claim 3 has been cancelled. Applicants respectfully assert that the instant amendments overcome the rejection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the Examiner states: "Claim 4 is a composition claim that depends on a method claim." Applicants have amended claim 4 to overcome the rejection. Reconsideration is requested. Claim 4 has been made independent. Applicants respectfully assert that the instant amendment overcomes the rejection.

Dependent Claim Rejection

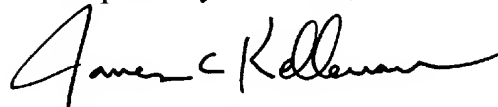
The Examiner has objected to Claims 1-4 as being dependent upon a rejected base claim. Applicants have rewritten claims 2 and 4 in independent form. Applicants respectfully assert that the instant amendments overcome the objection.

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Conclusion

In view of the above remarks, reconsideration of this application is requested. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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